

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 13281A

PERMIT 7875

LICENSE 4450A

**ORDER CORRECTING DESCRIPTION OF POINT OF DIVERSION  
AND ISSUANCE OF SEPARATE LICENSES**

**WHEREAS:**

1. License 4450A was issued to Redwood Ranch and Vineyards, Inc. on June 14, 1973 and was recorded with the County of Recorder of Sonoma County in Book 2773, page 537 on June 18, 1973.
2. License 4450A was subsequently assigned to Val P. Peline, James W. Reed and Gayle D. Reed. and Jeffrey S. Horowitz and Lynn R. Horowitz.
3. An examination of the project map dated October 1997 by the SWRCB staff determined the description of the points of diversion for License 4450A should be corrected to agree with the project map and the (7.5') U.S. Geological Survey Map-Jamestown.
4. By letter dated January 26, 1998, a request has been made to divide License 4450A into separate licenses to reflect the individual ownership and places of use of Val P. Peline, James W. Reed & Gayle D. Reed, and Jeffrey S. Horowitz & Lynn R. Horowitz.
5. The SWRCB has determined the division of License 4450A will not operate to the injury of another lawful user of water, and that good and sufficient cause has been shown for subsequent issuance of separate licenses.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description for the points of diversion be corrected to read as follows:
  - (1) North 1,500 feet and West 1,100 feet from SW corner of projected Section 7, T9N, R8W, MDB&M, being within NW¼ of SW¼ of said Section 7, also described by California Coordinate System, Zone 2, N 355,100 and E 1,773,500.
  - (2) South 460 feet and East 2,400 feet from NE corner of projected Section 18, T9N, R8W, MDB&M, being within the NW¼ of NE¼ of said Section 18, also described as California Coordinate System, Zone 2, N 356,700 and E 1, 775,200.  
License 4450A be replaced by License 4450A01 and assigned to Val P. Peline and License 4450A02 assigned to James W. Reed and Gayle D. Reed.
2. License 4450A be replaced by License 4450A01 and assigned to Val P. Peline and License 4450A02 assigned to James W. Reed and Gayle D. Reed.

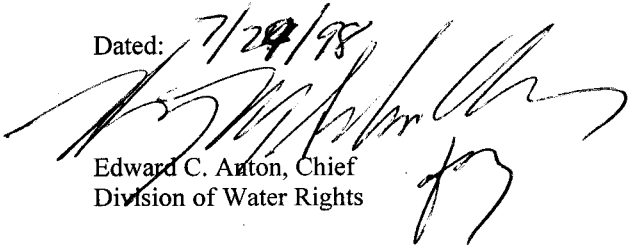
3. Superseded License 4450A is hereby revoked upon issuance of License 4450A01 and 4450A02.

4. A. License 4450A01 (Application 13281A01)  
Owner; Val P. Peline  
P.O. Box 3733  
Sunnyvale, CA 94088-3733  
Source: Russian River tributary to Pacific Ocean in Sonoma County  
Use: Irrigation and Stockwatering uses  
Amount: 0.655 cubic feet per second  
Season: May 15 to October 15  
Point of  
Diversion: North 1,500 feet and East 1,100 from  
SW corner of projected Section 7, T9N,  
R8W, MDB&M, being within the NW¼  
of SW¼ of said Section 7, also described as California Coordinate  
System, Zone 2, N 355,100 and E 1,773,500.
- Place of  
Use: 1 acre within NW¼ of NW¼ of projected Section 7;  
16 acres within SE¼ of NW¼ of projected Section 7;  
19 acres within SW¼ of NW¼ of projected Section 7;  
1 acre within NW¼ of SW¼ of projected Section 7, all within T9N,  
R8W, MDB&M,  
37 acres total as shown on a map dated October 1997 on file with the  
SWRCB.
- B. License 4450A02 (Application A02)  
Owner: James W. Reed and  
Gayle D. Reed  
9999 Highway 128  
Healdsburg, CA 95448  
Source: Russian River tributary to Pacific Ocean in Sonoma County  
Use: Irrigation and Stockwatering uses  
Amount: 0.247 cubic foot per second  
Season: May 15 to October 15  
Point of  
Diversion: North 1,500 feet and East 1,100 feet from SW corner of projected  
Section 7, T9N, R8W, MDB&M, being within the NW¼ of SW¼  
of said Section 7, also described as  
California Coordinate System, Zone 2,  
N 355,100 and E 1, 773,500.
- Place of  
Use: 9 acres within SE¼ of NW¼ of projected Section 7;  
4 acres within SW¼ of NE¼ of projected Section 7;  
27 acres within NW¼ of SE¼ of projected Section 7;  
17 acres within SW¼ of SE¼ of projected Section 7;  
37 acres within NE¼ of SW¼ of projected Section 7;  
14 acres within SE¼ of SW¼ of projected Section 7;  
3 acres within NW¼ of NE¼ of projected Section 18, all within T9N,  
R8W, MDB&M.  
111 acres total as shown on a map dated October 1997 as shown on  
map on file with the SWRCB.

C. License: 4450A03 (Application 13281A03)  
Owner: Jeffrey S. Horowitz and  
Lynn R. Horowitz  
138 The Uplands  
Berkeley, CA 94705  
Source: Russian River tributary to Pacific Ocean in Sonoma County  
Use: Irrigation and Stockwatering  
Amount: 0.231 cubic foot per second  
Season: May 15 to October 15  
Point of  
Diversion: South 460 feet and East 2,400 feet from  
NE corner of projected Section 18, T9N,  
R8W, MDB&M, being within the NW¼  
of NE¼ of NW¼ of said Section 18,  
also described as California Coordinate  
System, Zone 2, N356,700 and E 1,775,200.  
Place of  
Use: 1 acre within NE¼ of SE¼ of projected Section 7;  
13 acres within SE¼ of SE¼ of projected Section 7;  
10 acres within SW¼ of SE¼ of projected Section 7;  
23 acres within NW¼ of NE¼ of projected Section 18;  
2 acres within NE¼ of NE¼ of projected Section 18;  
2 acres within SW¼ of NE¼ of projected Section 18,  
all within T9N, R8W, MDB&M.  
51 acres total as shown on map dated October 1997  
on file with the SWRCB.

2. Licenses 4450A01, 4450A02, and 4450A03 shall contain all other terms and conditions presently in License 4450A or updated versions of License 4450A for compliance with the SWRCB's policy.

Dated: 7/29/98

  
Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 13281A03  
Page 1 of 3

PERMIT 7875

LICENSE 4450A03

THIS IS TO CERTIFY, That

Jeffrey S. Horowitz and  
Lynn R. Horowitz  
138 The Uplands  
Berkeley, CA 94705

has made proof as of May 13, 1954 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of Russian River in Sonoma County

tributary to Pacific Ocean

for the purpose of Stockwatering and Irrigation uses

under Permit 7875 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from June 14, 1973 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed twenty-three hundredths (0.23) cubic foot per second to be diverted from May 15 to October 15 of each year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 460 feet and East 2,400 feet from NE corner of projected Section 18, T9N, R8W, MDB&M, being within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 18, also described as California Coordinate System, Zone 2, N 356,700 and E 1,775,200.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

- 1 acre within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7;
- 13 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7;
- 10 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7;
- 23 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 18;
- 2 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 18;
- 2 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 18, all within T9N, R8W, MDB&M.

51 acres total as shown on map dated October 1997 on file with the State Water Resources Control Board.

*Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

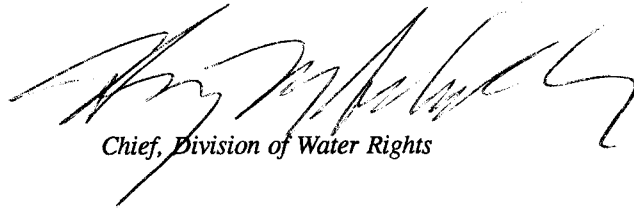
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JULY 24 1998

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 13281A02  
Page 1 of 3

PERMIT 7875

LICENSE 4450A02

THIS IS TO CERTIFY, That

James W. Reed and  
Gayle D. Reed  
9999 Highway 128  
Healdsburg, CA 95448

has made proof as of May 13, 1954 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of Russian River in Sonoma County

tributary to Pacific Ocean

for the purpose of Stockwatering and Irrigation uses

under Permit 7875 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from June 14, 1973 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed twenty-five hundredths (0.25) cubic foot per second to be diverted from May 15 to October 15 of each year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 1,500 feet and East 1,100 feet from SW corner of projected Section 7, T9N, R8W, MDB&M, being within NW¼ of SW¼ of said Section 7, also described as California Coordinate System, Zone 2, N 355,100 and E 1,773,500.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

- 9 acres within SE¼ of NW¼ of projected Section 7;
- 4 acres within SW¼ of NE¼ of projected Section 7;
- 27 acres within NW¼ of SE¼ of projected Section 7;
- 17 acres within SW¼ of SE¼ of projected Section 7;
- 37 acres within NE¼ of SW¼ of projected Section 7;
- 14 acres within SE¼ of SW¼ of projected Section 7;
- 3 acres within NW¼ of NE¼ of projected Section 18, all within T9N, R8W, MDB&M.

111 acres total as shown on a map dated October 1997 as shown on map on file with the State Water Resource Control Board

*Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

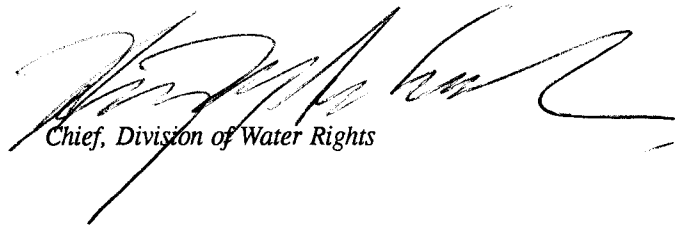


Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **JULY 24 1998**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

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In the Matter of License 4450A01 (Application 13281A01)

**Val P. Peline**

**ORDER APPROVING CHANGE IN PLACE OF USE  
AND AMENDING THE LICENSE**

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SOURCE: Russian River

COUNTY: Sonoma

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**WHEREAS:**

1. License 4450A01 was issued to Val P. Peline on July 24, 1998, pursuant to Application 13281A01.
2. A petition to change the place of use was filed with the State Water Resources Control Board (SWRCB) on August 26, 1998 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on September 15, 2000 and no protests were received.
3. The SWRCB has determined that the petition for change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act (ESA) and/or the California ESA. Additionally, the licensee may be required to meet Fish Screening requirements administered by the Department of Fish & Game (DFG). Appropriate standard license terms, advising the licensee of possible related obligations or requirements, will be added to License 4450A01.
5. There is the possibility that buried archeological deposits may be present and accidental discovery could occur. In compliance with the California Environmental Quality Act, which states that a Lead Agency is required to make a provision for historical or unique archeological resources accidentally discovered during construction or operation of

projects, a term should be included in the permit requiring notification of the Chief of the Division of Water Rights (Division) if project activities uncover any buried archeological materials.

**NOW, THEREFORE, IT IS ORDERED THAT LICENSE 4450A01 IS AMENDED TO READ AS FOLLOWS:**

1. The description of the place of use under License 4450A01 is amended to read as follows:

60 acres within the NW¼ of Section 7, T9N, R8W, MDB&M  
2 acres within the SW¼ of Section 7, T9N, R8W, MDB&M  
23 acres within the SE¼ of Section 7, T9N, R8W, MDB&M  
32 acres within the NE¼ of Section 7, T9N, R8W, MDB&M  
18 acres within the NW¼ of Section 8, T9N, R8W, MDB&M  
62 acres within the SW¼ of Section 8, T9N, R8W, MDB&M

**197 acres total**, as shown on map dated August 1998, on file with the SWRCB.

2. The following measuring device condition is added to License 4450A01:

Licensee shall install and maintain devices satisfactory to the SWRCB to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this license. A record of such measurements shall be maintained by the licensee, and made available to interested parties upon reasonable request. A copy of the records shall be submitted to the SWRCB with the tri-annual "Report of Licensee".

(000000R)

3. License 4450A01 is amended to include the following Endangered Species, Fish Screening, and Archeological conditions:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California ESA (Fish and Game Code sections 2050 to 2097) or the federal ESA (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable ESA for the project authorized under this license.

(0000014)

No water shall be diverted under this License until Licensee has constructed a fish screen or has proposed and constructed an alternative. Any alternative must comply with the DFG criteria and receive their written approval. Licensee shall submit a copy of the State DFG's written approval of the plans and design calculations to the Division within 30 days from the date of the approval. Construction, operation, and maintenance of any required facility are the responsibility of the licensee. If the fish screen or any alternative is rendered inoperative for any reason, the licensee shall notify the Chief of the Division immediately and shall restore the equipment to service as soon as possible.

(0000213)

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division shall be notified of the discovery and a professional archeologist shall be retained by the licensee to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division.

(0000215)

4. All other terms and conditions of License 4450A01 are still applicable.

Dated: MAR - 6 2002

STATE WATER RESOURCES CONTROL BOARD



*Edward C. Anton, Chief,  
Division of Water Rights*



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

**APPLICATION 13281A01**

**PERMIT 7875**

**LICENSE 4450A01**

Page 1 of 4

**THIS IS TO CERTIFY, That**

Val P. Peline  
P.O. Box 3733  
Sunnyvale, CA 94088-3733

Has the right to use waters of **Russian River in Sonoma County**

tributary to **Pacific Ocean**

for the following purpose: **Irrigation and Stockwatering Uses**

Amended **License 4450A01** supersedes the license originally issued on **July 24, 1998**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 7875**. The priority of this right dates from **August 8, 1949**. Proof of maximum beneficial use of water pursuant to **Application 13281** was made as of **May 13, 1954**.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **sixty-five hundredths (0.65) cubic foot per second to be diverted from May 15 to October 15 of each year**.

**The total quantity of water diverted under this license shall not exceed 199 acre-feet per year.**

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINT OF DIVERSION IS LOCATED:**

By California Coordinates of 1927, Zone 2, North 355,100 feet and East 1,773,500 feet, also described as North 1,500 feet and East 1,100 feet from SW corner of projected section 7, T9N, R8W, MDB&M, being within NW¼ of SW¼ of said projected section 7.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

60 acres within the NW¼ of Section 7, T9N, R8W, MDB&M  
2 acres within the SW¼ of Section 7, T9N, R8W, MDB&M  
23 acres within the SE¼ of Section 7, T9N, R8W, MDB&M  
32 acres within the NE¼ of Section 7, T9N, R8W, MDB&M  
18 acres within the NW¼ of Section 8, T9N, R8W, MDB&M  
62 acres within the SW¼ of Section 8, T9N, R8W, MDB&M

**197 acres total**, as shown on map dated August 1998, on file with the SWRCB.

Licensee shall install and maintain devices satisfactory to the SWRCB to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this license. A record of such measurements shall be maintained by the licensee, and made available to interested parties upon reasonable request. A copy of the records shall be submitted to the SWRCB with the tri-annual "Report of Licensee".

(000000R)

No water shall be diverted under this License until Licensee has constructed a fish screen or has proposed and constructed an alternative. Any alternative must comply with the Department of Fish and Game criteria and receive their written approval. Licensee shall submit a copy of the State Department of Fish and Game's written approval of the plans and design calculations to the Division of Water Rights within 30 days from the date of the approval. Construction, operation, and maintenance of any required facility are the responsibility of the licensee. If the fish screen or any alternative is rendered inoperative for any reason, the licensee shall notify the Chief of the Division of Water Rights immediately and shall restore the equipment to service as soon as possible.

(0000213)

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the licensee to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.

(0000215)

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*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAR - 6 2002

STATE WATER RESOURCES CONTROL BOARD

A handwritten signature in dark ink, appearing to read 'Edward C. Anton', written in a cursive style.

*Edward C. Anton, Chief  
Division of Water Rights*





STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 13281A01

PERMIT 7875

LICENSE 4450A01

Page 1 of 3

THIS IS TO CERTIFY, That

Val P. Peline  
P.O. Box 3733  
Sunnyvale, CA 94088-3733

has made proof as of May 13, 1954 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of Russian River in Sonoma County

tributary to Pacific Ocean

for the purpose of Stockwatering and Irrigation uses

under Permit 7875 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from June 14, 1973 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed sixty-five hundredths (0.65) cubic foot per second to be diverted from May 15 to October 15 of each year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 1,500 feet and East 1,100 feet from SW corner of projected Section 7, T9N, R8W, MDB&M, being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 7, also described as California Coordinate System, Zone 2, N 355,100 and E 1,773,500.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

- 1 acre within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 7;
- 16 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 7;
- 19 acres within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 7;
- 1 acre within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 7, all within T9N, R8W, MDB&M.

37 acres as shown on a map dated October 1997 on file with the State Water Resources Control Board.

*Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

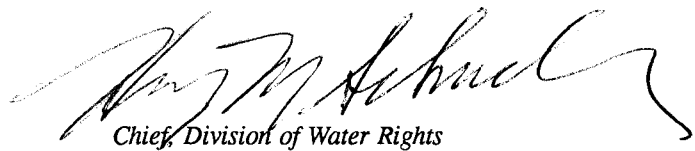
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

► JULY 24 1998

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 13281A

PERMIT 7875

LICENSE 4450A

THIS IS TO CERTIFY, That

REDWOOD RANCH AND VINEYARDS, INC.  
9865 STATE HIGHWAY 128, HEALDSBURG, CALIFORNIA 95448

HAS made proof as of MAY 13, 1954 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
RUSSIAN RIVER IN SONOMA COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION AND STOCKWATERING USES  
under Permit 7875 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from AUGUST 8, 1949 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed ONE AND ONE HUNDRED THIRTY-THREE THOUSANDTHS (1.133)  
CUBIC FEET PER SECOND, TO BE DIVERTED FROM MAY 15 TO OCTOBER 15 OF EACH YEAR.  
THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY 30-DAY PERIOD MAY BE  
DIVERTED IN A SHORTER TIME IF THERE IS NO INTERFERENCE WITH OTHER VESTED RIGHTS.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) NORTH 1,200 FEET AND WEST 4,008 FEET FROM SE CORNER OF PROJECTED SECTION 7, T9N, R8W, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 7, AND
- (2) SOUTH 460 FEET AND WEST 2,690 FEET FROM NE CORNER OF PROJECTED SECTION 18, T9N, R8W, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 18.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

199 ACRES, CONSISTING OF 26.3 ACRES WITHIN N1/2 OF PROJECTED SECTION 18, T9N, R8W, MDB&M, AND WITHIN PARCEL 6 OF SONOMA COUNTY RECORDER'S MAP, AND 172.7 ACRES WITHIN PROJECTED SECTION 7, T9N, R8W, MDB&M, ALL BEING WITHIN RANCHO SOLOYOME, AND AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

~~This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensees without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated, (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow, (3) suppressing evaporation losses from water surfaces, (4) controlling phreatophytic growth, and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.~~

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 14 1973

STATE WATER RESOURCES CONTROL BOARD

*A. L. Woodward*

Chief, Division of Water Rights